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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,580

02/17/2006

Satoshi Nakamae

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OLIFF & BERRIDGE, PLC

P.O. BOX 320850

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EXAMINER

CHEUNG, CHUN HOI

ART UNIT

PAPER NUMBER

4159

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,580	Applicant(s) NAKAMAE, SATOSHI	
	Examiner CHUN CHEUNG	Art Unit 4159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/17/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. Japan 2003-323585, filed on 09/16/2003.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 02/17/2006 is being considered by the examiner.

Specification

4. The disclosure is objected to because of the following informalities: Page 14, line 5, "the substrate 7" is referenced as "the substrate 1". For the purpose of this examination, the examiner presumes that "the substrate 1" should read "the substrate 7".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As to Claim 8, applicant claims "the step portion being configured to come down from the other part (line 4). It is not clear on how the step portion "come down" from the

Art Unit: 4159

other part, and there is no support in the specification describes what the applicant means by "other part". For the purpose of examination, based on the specification, page 11, line 36 to page 12, line 2, examiner assumed that line 4 should read "the step portion being configured by thinner the corner portion".

8. Claim 8 recites the limitation "the other part" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-5, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tokushima JP10, 010,705 (hereinafter Tokushima '705).

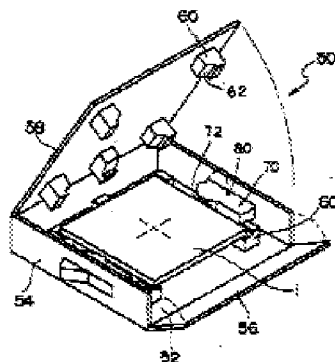


Fig. 1

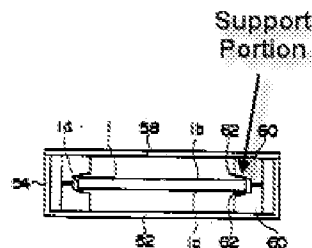


Fig. 4

11. In Re Claim 1, Tokushima '705 discloses a container comprising:

Art Unit: 4159

- a bottom lid (52);
- a top lid (58) connected through a hinge (Figure 1) to the bottom lid (52) so as to open and close the bottom lid (58) and forming an engagement part (Figure 1) between the bottom lid (52) and the top lid (58), wherein:
- lower support parts (60) are disposed in a plurality of positions of the bottom lid (52), each of the lower support parts (60) being brought in contact with a pair of edges of the substrate (1) on a bottom face side thereof (Figure 1); and
- upper support portions (60) are disposed in a plurality of positions of the top lid (58), each of the upper support parts (60) being brought in contact with a pair of edges of the substrate (1) on a top face side thereof (Figure 1).

12. In Re Claim 2, Tokushima `705 discloses a storage case wherein each of the substrate (1) and the substrate storage case is formed in a square shape (Figure 1A).

13. In Re Claim 3, Tokushima `705 discloses each of the lower support parts (60) and the upper support parts (60) includes a pair of support portions (Figure 4) in contact with the pair of the edge (Figure 4).

14. In Re Claim 4, Tokushima `705 discloses each of the pair of the support portions in each of the lower support parts (60) and the upper support parts (60) includes an oblique face in contact with the edge (62, Figure 4).

15. In Re Claim 5, Tokushima `705 discloses the lower support parts (60) of the bottom lid (52) and the upper support parts (60) of the top lid (58) are positioned

Art Unit: 4159

symmetrically with each other and have shapes symmetrical with each other (Figure 1 and Figure 4).

16. In Re Claim 12, Tokushima `705 discloses each of the lower support part (4, 5) is formed integrally with the bottom lid (2) and each of the upper support part (6) is formed integrally with the top lid (3).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokushima `705 in view of Saito JP2003222992A (hereinafter Saito `992) and Kosugi U.S. Patent No 4,776,462 (hereinafter Kosugi `462)

19. In Re Claim 6, Tokushima `705 as discussed in Claim 1 above, does not disclose a lock part disposed on a side of the bottom lid lower than a center in the thickness direction of the case to lock the bottom lid and the top lid wherein; the hinge is positioned on a side of the top lid higher than the center in the thickness direction of the case.

However, Saito `992 discloses a lock part (13, 24) disposed on a side of the bottom lid to lock the bottom lid (1) and the top lid (2), Kosugi `462 discloses a case with opening is lower than a center in the thickness direction of the case (Figure 1B and Figure1C) and the hinge (2a) is positioned on a side of the top lid

Art Unit: 4159

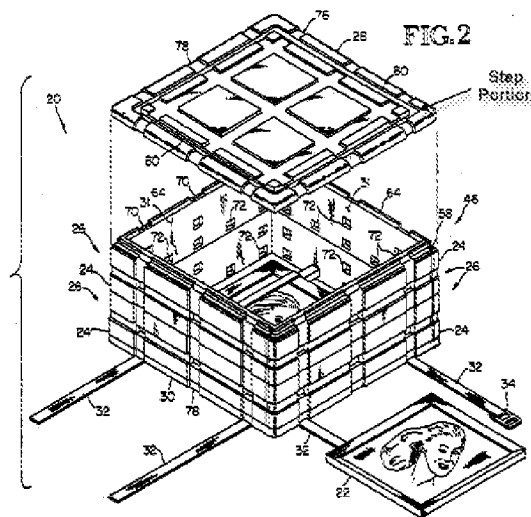
(3) higher than the center in the thickness direction of the case (Figure 1B and Figure 1C).

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modified Tokushima's storage case with a lock part to lock the bottom lid and the top lid as taught by Saito '992 to secure the storage case without open by itself. It would also been obvious to a person having ordinary skill in the art at the time of the invention to modified Tokushima's storage with opening lower than a center in the thickness direction of the case and hinge is positioned on a side of the top lid (3) higher than the center in the thickness direction of the case as taught by Kosugi '462 for easy access and take out the substrate within.

20. In Re Claim 7, modified Tokushima's storage case by Saito '992 and Kosugi '462 as discussed above, further discloses the engagement part (Figure 1B and Figure 1C) between the bottom lid (2) and the top lid (3) extends obliquely and downwards from the hinge toward the lock part and a space (Figure 4B) is formed under the substrate on a side of the lock part of the bottom lid (2) to insert a finger of an automatic transport arm.

21. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tokushima '705 in view of Scherb U.S. Patent No. 5,259,523 (hereinafter Scherb '523).

Art Unit: 4159



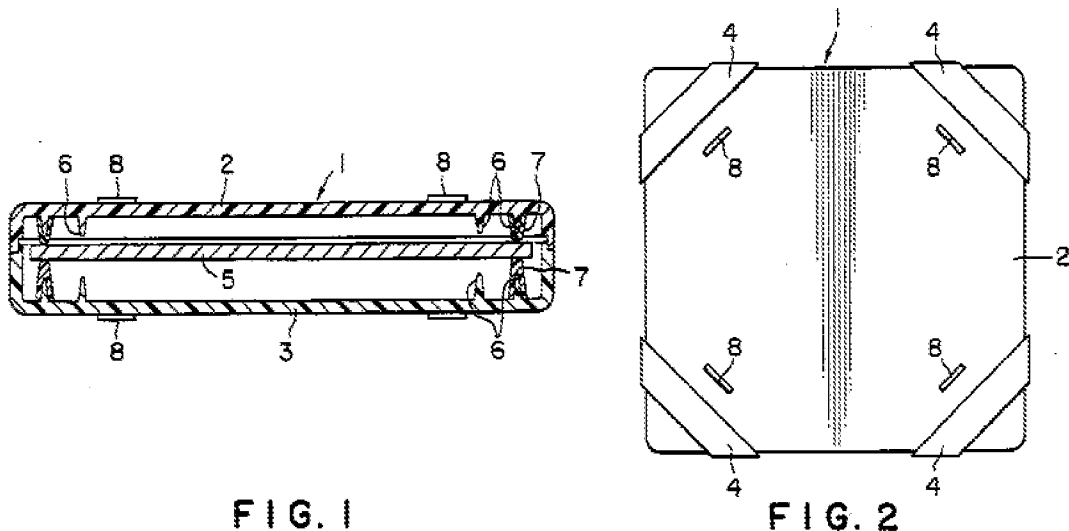
22. In Re Claim 8, as discussed in Claim 1 above, Tokushima `705 does not disclose the step portion is provided in an outer face of each of four corners in each of the bottom lid and the top lid, the step portion being configured by thinner the corner portion of the top lid and bottom lid.

However, Scherb `523 discloses the step portion (Figure 2) is provided in an outer face of each of four corners in each of the bottom lid (30) and the top lid (28), the step portion being configured by thinner the corner portion of the top lid and bottom lid.

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modified Tokushima's storage case with step portion as taught by Scherb `523 for the purpose of insert strap for securely close the top and bottom lid.

Art Unit: 4159

23. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tokushima `705 and Scherb `523, further in view of Yamauchi U.S. Patent No. 5,353,934 (hereinafter Yamauchi `934).



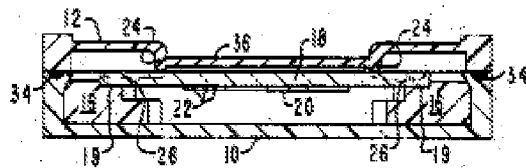
24. In Re Claim 9, Tokushima `705 and Scherb `523 as discussed above, does not disclose the clamp member provided between the step portion of the bottom lid and the step portion of the top lid corresponding to the step portion of the bottom lid wherein the clamp member stands the bottom lid and the top lid.

However, Yamauchi `934 further discloses a clamp member (4) provided between the step portion (8) of the bottom lid (3) and the step portion (8) of the top lid (2) corresponding to the step portion (8) of the bottom lid (3) wherein Yamauchi `934 discloses the claimed invention except for the clamp (4) members clamps and also stands the bottom lid and the top lid. As place the storage box vertically, the clamp member as describe by Yamauchi `934 is capable to act as a stand for the storage box.

Art Unit: 4159

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modified Tokushima's storage case with clamp portion provided between the step portion as taught by Scherb '523 to securely clamp the top lid and bottom lid together.

25. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tokushima '705 in view of Freed U.S. Patent No. 3,615,006 (hereinafter Freed '006).

**FIG. 2**

26. In Re Claim 10, as discussed in Claim 1 above, Tokushima '705 does not disclose the concave and convex portions of the bottom lid and the top lid have the round shapes.

However, Freed '006 discloses the concave and convex portions (34) of the bottom lid (10) and the top lid (12) have the round shapes (Figure 2).

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modified Tokushima's storage case with the concave and convex portions of the bottom lid and the top lid have the top shape as taught by Freed '006 to prevent dust enter the container.

Art Unit: 4159

27. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tokushima `705 and Freed `006, further in view of Yamauchi U.S. Patent No. 5,353,934 (hereinafter Yamauchi `934).

28. In Re Claim 11, as discussed in Claim 10 above, Tokushima `705 and Freed `006 does not disclose the bottom lid and the top lid is formed of conductive plastic.

However, Yamauchi `934 discloses each of the bottom lid (3) and the top lid (2) is formed of conductive plastic (Column 3, line 55-69 to Column 4, line 1-4).

It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modified Tokushima's storage case with bottom lid and the top lid formed of conductive plastic as taught by Yamauchi `934 to restrain dust generation or accumulation due to vibration.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakazato et al U.S. Patent 4,842,136 discloses a dust proof container holding a sheet-like article with hinge connecting top and bottom lid. Nakazato et al U.S. Patent 5,314,068 discloses container for a plate-like article with separate top and bottom lid closed with a locking mechanism. Guinane U.S. Patent 2,738,564 discloses ceramic tile stackers with corner right-angle triangular and inner faces to support the article within. Toshiyuki JP10142773 discloses a house case for substrate with four corner clamping member. Kirkpatrick U.S. 5,320,225 discloses an apparatus securely carrying a substrate with housing and an opening with locking member.

Art Unit: 4159

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUN CHEUNG whose telephone number is (571)270-5702. The examiner can normally be reached on Monday to Friday: 7:30AM~5:00AM. Alt Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on (571)272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.C.

/George Nguyen/

Supervisory Patent Examiner, Art Unit 4159